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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION

DONTE PARRISH

13493-067

VS.

UNKNOWN DEFENDANT

CIVIL ACTION NO. 2:12-CV-2296

SECTION P

JUDGE MINALDI
MAGISTRATE JUDGE KAY

JUDGMENT

There being no objection to the proposed findings of fact and conclusions of law in the Report and Recommendation [Doc. 7] of the Magistrate Judge previously filed herein, these findings and conclusions are accepted. Alternatively, this court concludes that the proposed findings and conclusions are entirely correct.¹ Accordingly,

IT IS ORDERED that the petitioner's application for writ of habeas corpus be **DENIED** and **DISMISSED WITH PREJUDICE**.

Lake Charles, Louisiana, this the 14 day of June, 2013.


PATRICIA MINALDI
UNITED STATES DISTRICT JUDGE

¹ The undersigned notes that, on page 3 of the Report and Recommendation, the Magistrate Judge cites *Reyes-Requena v. United States*, 243 F.3d 893 (5th Cir. 2001), for the elements a petitioner must demonstrate in order to show a motion to vacate remedy under 28 U.S.C. § 2255 is inadequate: "...the claim *is based was foreclosed* by circuit law at the time when the claim should have been raised at trial, appeal, or first section 2255 motion." (emphasis added). While the Magistrate Judge's analysis on whether a section 2255 remedy was inadequate or ineffective was ultimately correct, the text should have read "the claim *was foreclosed* by circuit law at the time when the claim should have been raised at trial, appeal or first section 2255 motion."